

KOLESAR & LEATHAM
400 South Rampart Boulevard, Suite 400
Las Vegas, Nevada 89145
Tel: (702) 362-7800 / Fax: (702) 362-9472

NILE LEATHAM, ESQ.
Nevada Bar No. 002838
SHLOMO S. SHERMAN, ESQ.
Nevada Bar No. 009688
KOLESAR & LEATHAM
400 South Rampart Boulevard, Suite 400
Las Vegas, Nevada 89145
Telephone: (702) 362-7800
Facsimile: (702) 362-9472
E-Mail: nleatham@klnevada.com
ssherman@klnevada.com

Attorneys for Creditor
REORGANIZED DEBTORS

UNITED STATES BANKRUPTCY COURT

DISTRICT OF NEVADA

* * *

IN RE:

THE RHODES COMPANIES, LLC,

Debtor.

Case No. BK-S-09-14814-LBR

Chapter 11

Date of Hearing: 12/5/2011
Time of Hearing: 9:30 a.m.

☒ Affects All Debtors
☐ Affects the following Debtors:

**NOTICE OF ENTRY OF ORDER APPROVING STIPULATION TO VACATE THE
BRIEFING SCHEDULE AND EVIDENTIARY HEARING REGARDING THE
GREENWAY PARTNERS CLAIM AND THE SCHEDULED CLAIMS**

NOTICE IS HEREBY GIVEN that the ORDER APPROVING STIPULATION TO
VACATE THE BRIEFING SCHEDULE AND EVIDENTIARY HEARING REGARDING
THE GREENWAY PARTNERS CLAIM AND THE SCHEDULED CLAIMS, was entered

///

///

///

///

///

herein on this Court's docket on November 22, 2011, as Document No. 1607. A copy of said Order is attached hereto.

DATED this 22nd day of November, 2011.

KOLESAR & LEATHAM.

By: /s/ Shlomo S. Sherman

NILE LEATHAM, ESQ.

Nevada Bar No. 002838

SHLOMO S. SHERMAN, ESQ.

Nevada Bar No. 009688

400 South Rampart Boulevard, Suite 400

Las Vegas, Nevada 89145

Attorneys for Creditor

REORGANIZED DEBTORS

CERTIFICATE OF SERVICE

1. On November 22, 2011, I served the following document(s) (*specify*):

Notice of Entry of Order Approving Stipulation to Vacate the Briefing Schedule and Evidentiary Hearing Regarding the Greenway Partners Claim and the Scheduled Claims

2. I served the above-named document(s) by the following means to the persons as listed below:

(*Check all that apply*)



a. **ECF System** (*You must attach the "Notice of Electronic Filing," or list all persons and addresses and attach additional paper if necessary*)

KEVIN N. ANDERSON on behalf of Creditor JAMES RHODES
kanderson@fabianlaw.com, sburdash@fabianlaw.com

BRETT A. AXELROD on behalf of Creditor SAGEBRUSH
ENTERPRISES, INC.

baxelrod@foxrothschild.com, pkois@foxrothschild.com;
rdittrich@foxrothschild.com; msheffield@foxrothschild.com;
ldupree@foxrothschild.com

J. THOMAS BECKETT on behalf of Creditor CREDITORS COMMITTEE
ECF@parsonsbehle.com

LORI BROWN on behalf of Creditor Las Vegas Supply, Inc.
minute@legalcounselors.com

KOLESAR & LEATHAM
400 South Rampart Boulevard, Suite 400
Las Vegas, Nevada 89145
Tel: (702) 362-7800 / Fax: (702) 362-9472

KOLESAR & LEATHAM
400 South Rampart Boulevard, Suite 400
Las Vegas, Nevada 89145
Tel: (702) 362-7800 / Fax: (702) 362-9472

1 SHIRLEY S. CHO on behalf of Debtor THE RHODES COMPANIES, LLC
scho@pszjlaw.com

2 JANET L. CHUBB on behalf of Creditor COMMERCE ASSOCIATES,
3 LLC
bsalinas@armstrongteasdale.com

4 DAVID A. COLVIN on behalf of Creditor DANA KEPNER COMPANIES,
5 LLC
dcolvin@maclaw.com, mwalters@maclaw.com; kgallegos@maclaw.com;
6 tszostek@maclaw.com

7 NATALIE M. COX on behalf of Plaintiff EUGENE DAVIS
ncox@klnevada.com, bankruptcy@klnevada.com; kdunn@klnevada.com

8 THOMAS E. CROWE on behalf of Creditor SHANE SMITH
9 tcrowelaw@yahoo.com

10 DAMON K. DIAS on behalf of Creditor X-It at 215, LLC
ddias@diaslawgroup.com, bankruptcy@diaslawgroup.com;
11 jisselas@diaslawgroup.com; elizabethd@diaslawgroup.com

12 TRACY A. DIFILLIPPO on behalf of Creditor COMMERCE
13 ASSOCIATES, LLC
tdifillippo@jonesvargas.com, enunez@jonesvargas.com

14 CONOR P. FLYNN on behalf of Creditor COMMERCE ASSOCIATES,
15 LLC
cflynn@jonesvargas.com

16 PHILIP S. GERSON on behalf of Creditor CLARK COUNTY
17 banknv@rocgd.com, mburgener@rocgd.com

18 REW R. GOODENOW on behalf of Creditor CREDITORS COMMITTEE
ecf@parsonsbehle.com

19 JAMES D. GREENE on behalf of Plaintiff EUGENE DAVIS
jgreene@greeneinfusolaw.com, fritchie@greeneinfusolaw.com;
20 kfarney@greeneinfusolaw.com; bschmidt@greeneinfusolaw.com;
21 cwalton@greeneinfusolaw.com

22 KIRBY C. GRUCHOW on behalf of Creditor NEVADA POWER
23 COMPANY
hkelley@leachjohnson.com

24 DAVID R HAGUE on behalf of Creditor JAMES RHODES
dhague@fabianlaw.com, dromero@fabianlaw.com

25 CAROL L. HARRIS on behalf of Creditor In re Kitec Fitting Litigation
26 Class Plaintiffs
c.harris@kempjones.com, ade@kempjones.com

27 RODNEY M. JEAN on behalf of Creditor Credit Suisse, Cayman Islands
28 Branch
RJEAN@LIONELSAWYER.COM, gbagley@lionelsawyer.com;
bklsclv@lionelsawyer.com; mstow@lionelsawyer.com

KOLESAR & LEATHAM
400 South Rampart Boulevard, Suite 400
Las Vegas, Nevada 89145
Tel: (702) 362-7800 / Fax: (702) 362-9472

1 ROBERT R. KINAS on behalf of Creditor CATERPILLAR FINANCIAL
2 SERVICES CORPORATION

3 rkinas@swlaw.com, jmath@swlaw.com; mfull@swlaw.com;
4 cdossier@swlaw.com; nbaig@swlaw.com; bgriffith@swlaw.com;
5 nunzuela@swlaw.com; docket_las@swlaw.com

6 KEITH S. KNOCHER on behalf of Creditor VALERIE SILVAS
7 law@lawyersinarizona.com, bank@lawyersinarizona.com

8 BART K. LARSEN on behalf of Creditor Reef Colonial, LLC
9 blarsen@klnevada.com, jierien@klnevada.com; bankruptcy@klnevada.com

10 ZACHARIAH LARSON on behalf of Debtor APACHE FRAMING, LLC
11 cshurtliff@larsonlawnv.com, sstanton@larsonlawnv.com;
12 akosina@larsonlawnv.com

13 NILE LEATHAM on behalf of Creditor STEERING COMMITTEE OF
14 SENIOR SECURED LENDERS
15 nleatham@klnevada.com, ckishi@klnevada.com;
16 bankruptcy@klnevada.com

17 ANNE M. LORADITCH on behalf of Creditor JAMES RHODES
18 aloraditch@foxrothschild.com, pkois@foxrothschild.com;
19 rdittrich@foxrothschild.com; msheffield@foxrothschild.com

20 VIRGINIA CRONAN LOWE on behalf of Creditor UNITED STATES OF
21 AMERICA - INTERNAL REVENUE SERVICE
22 virginiacronan.lowe@usdoj.gov, Western.Taxcivil@usdoj.gov

23 ERIC D. MADDEN on behalf of Other Prof. THE LITIGATION TRUST
24 OF THE RHODES COMPANIES, LLC
25 emadden@diamondmccarthy.com, cburrow@diamondmccarthy.com

26 JANIECE S MARSHALL on behalf of Creditor STANLEY
27 CONSULTANTS, INC.
28 car@amclaw.com; crb@amclaw.com; csh@amclaw.com

EDWARD M. MCDONALD on behalf of U.S. Trustee U.S. TRUSTEE -
LV - 11
edward.m.mcdonald@usdoj.gov

SUSAN L. MYERS on behalf of Creditor Credit Suisse, Cayman Islands
Branch
smyers@lacs.org, emontes@lacs.org; bklsclv@lionelsawyer.com

JEFFREY D. OLSTER on behalf of Creditor HARSCH INVESTMENT
PROPERTIES - NEVADA, LLC
sallade@lbbslaw.com

OMNI MANAGEMENT GROUP, LLC (bo)
bosborne@omnimgt.com, sewing@omnimgt.com

ERIC RANSVAGE on behalf of Creditor Leslie Blasco, et al.
eransavage@sslplaw.com, agutierrez@sslplaw.com

KOLESAR & LEATHAM
400 South Rampart Boulevard, Suite 400
Las Vegas, Nevada 89145
Tel: (702) 362-7800 / Fax: (702) 362-9472

JACOB J ROBERTS on behalf of Other Prof. THE LITIGATION TRUST
OF THE RHODES COMPANIES, LLC
jroberts@diamondmccarthy.com, cburrow@diamondmccarthy.com

BRIAN D. SHAPIRO on behalf of Other Prof. THE LITIGATION TRUST
OF THE RHODES COMPANIES, LLC
bshapiro@brianshapirolaw.com, ecf@brianshapirolaw.com;
brianshapiroesq@yahoo.com; bshapiro@brianshapirolaw.com;
candice@brianshapirolaw.com

SHLOMO S. SHERMAN on behalf of Interested Party REORGANIZED
DEBTORS
ssherman@klnevada.com, bankruptcy@klnevada.com;
bbroussard@klnevada.com

ROSA SOLIS-RAINEY on behalf of Defendant DELOITTE & TOUCHE
LLP
rsr@morrislawgroup.com, bkv@morrislawgroup.com

MARK R. SOMERSTEIN on behalf of Creditor WELLS FARGO BANK,
N.A.
mark.somerstein@ropesgray.com

ELIZABETH E. STEPHENS on behalf of Attorney SULLIVAN HILL
LEWIN REZ & ENGEL
stephens@sullivanhill.com, calderone@sullivanhill.com;
vidovich@sullivanhill.com; roberts@sullivanhill.com;
hill@sullivanhill.com; Manning@sullivanhill.com;
stein@sullivanhill.com; iriarte@sullivanhill.com;
benoit@sullivanhill.com

JEFFREY R. SYLVESTER on behalf of Creditor CREDIT SUISSE,
CAYMAN ISLANDS BRANCH
jeff@sylvesterpolednak.com

TIMOTHY P. THOMAS on behalf of Creditor STEERING COMMITTEE
OF SENIOR SECURED LENDERS
, veralynn@tthomaslaw.com

U.S. TRUSTEE - LV - 11
USTPRegion17.lv.ecf@usdoj.gov

DONALD H. WILLIAMS on behalf of Creditor Westar Kitchen & Bath,
LLC
DonaldHWilliamsLaw@gmail.com, taylor sellers@gmail.com

GREGORY F WILSON on behalf of Witness SANTORO, DRIGGS,
WALCH, KEARNEY, HOLLEY & THOMPSON
gfwilson@wilsonquint.com, pwilson@wilsonquint.com

MICHAEL B WIXOM on behalf of Interested Party MUTUAL OF
OMAHA BANK
mbw@slwlaw.com, ef@slwlaw.com

KOLESAR & LEATHAM
 400 South Rampart Boulevard, Suite 400
 Las Vegas, Nevada 89145
 Tel: (702) 362-7800 / Fax: (702) 362-9472

MICHAEL YODER on behalf of Other Prof. THE LITIGATION TRUST
 OF THE RHODES COMPANIES, LLC
 myoder@diamondmccarthy.com, cburrow@diamondmccarthy.com

☐ **b. United States mail, postage fully prepaid**
(List persons and addresses. Attach additional paper if necessary)

☐ **c. Personal Service** *(List persons and addresses. Attach additional paper if necessary)*

I personally delivered the document(s) to the persons at these addresses:

☐ For a party represented by an attorney, delivery was made by handing the document(s) to the attorney or by leaving the documents(s) at the attorney's office with a clerk or other person in charge, or if no one is in charge by leaving the documents(s) in a conspicuous place in the office.

☐ For a party, delivery was made by handing the document(s) to the party or by leaving the document(s) at the person's dwelling house or usual place of abode with someone of suitable age and discretion residing there.

☐ **d. By direct email (as opposed to through the ECF System)**
(List persons and email addresses. Attach additional paper if necessary)

Based upon the written agreement of the parties to accept service by email or a court order, I caused the document(s) to be sent to the persons at the email addresses listed below. I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful.

☐ **e. By fax transmission** *(List persons and fax numbers. Attach additional paper if necessary)*

Based upon the written agreement of the parties to accept service by fax transmission or a court order, I faxed the document(s) to the persons at the fax numbers listed below. No error was reported by the fax machine that I used. A copy of the record of the fax transmission is attached.

☐ **f. By messenger** *(List persons and addresses. Attach additional paper if necessary)*

I served the document(s) by placing them in an envelope or package addressed to the persons at the addresses listed below and providing them to a messenger for service. *(A declaration by the messenger must be attached to this Certificate of Service).*

I declare under penalty of perjury that the foregoing is true and correct.

/s/ Cindy Kishi

Declarant



Entered on Docket
November 22, 2011

A handwritten signature in dark ink, appearing to read "Linda B. Riegle".

Hon. Linda B. Riegle
United States Bankruptcy Judge

FABIAN & CLENDENIN, P.C.
KEVIN N. ANDERSON
Nevada Bar No. 004512
DAVID R. HAGUE
Nevada Bar No. 012389
601 South Tenth Street, Suite 102
Las Vegas, Nevada 89101
Telephone: (702) 233-4444
Facsimile: (702) 894-9466
Email: kanderson@fabianlaw.com
dhague@fabianlaw.com

Counsel for James M. Rhodes

KOLESAR & LEATHAM
NILE LEATHAM, ESQ.
Nevada Bar No. 002838
SHLOMO S. SHERMAN, ESQ.
Nevada Bar No. 009688
400 South Rampart Boulevard, Suite 400
Las Vegas, NV 89145
Telephone: (702) 362-7800
Facsimile: (702) 362-9472
Email: nleatham@klnevada.com
ssherman@klnevada.com
Local Counsel for the Reorganized Debtors

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA

In re

THE RHODES COMPANIES, LLC, aka
"Rhodes Homes," et al.,

Reorganized Debtors.

- ☒ Affects all Debtors
☐ Affects the following Debtors

Chapter 11

Case No. BK-S-09-14814-LBR
(Jointly Administered)

ORDER APPROVING STIPULATION TO
VACATE THE BRIEFING SCHEDULE
AND EVIDENTIARY HEARING
REGARDING THE GREENWAY
PARTNERS CLAIM AND THE
SCHEDULED CLAIMS

The Court, having considered the Stipulation to Vacate the Briefing Schedule and Evidentiary Hearing Regarding the Greenway Partners Claim and the Scheduled Claims (the "Stipulation") entered into by and between James M. Rhodes ("Rhodes"), by and through his undersigned counsel, Fabian & Clendenin, P.C., and the above-captioned reorganized debtors (the "Reorganized Debtors"), by and


1 through their undersigned counsel, Kolesar & Leatham and Akin Gump Strauss Hauer & Feld LLP,
2 (collectively referred to hereinafter as the "Parties"); and for good cause appearing therefor:

3 IT IS HEREBY ORDERED AS FOLLOWS:

- 4 1. The Stipulation is hereby approved;
- 5 2. The current briefing schedule relating to the Greenway Partners Claims and the Scheduled
6 Claims, as described in the Stipulation, is hereby vacated;
- 7 3. The Evidentiary Hearing currently scheduled for December 5, 2011 at 9:30 a.m. (PST) is
8 hereby vacated; and
- 9 4. The Parties and/or the Reorganized Debtors shall file a 9019 motion with respect to the
10 Settlement Agreement with this Court no later than December 1, 2011.

11
12 **SUBMITTED BY:**

13 **KOLESAR & LEATHAM**

14 
15 By: NILE LEATHAM, ESQ.
16 Nevada Bar No. 002838
17 SHLOMO S. SHERMAN, ESQ.
18 Nevada Bar No. 009688
400 South Rampart Boulevard, Suite 400
Las Vegas, NV 89145

19 and

20 AKIN GUMP STRAUSS HAUER & FELD LLP
21 Philip C. Dublin (NY Bar No. 2959344)
22 Abid Qureshi (NY Bar No. 2684637)
23 Meredith Lahaie (NY Bar No. 4518023)
One Bryant Park
New York, NY 10036
(212) 872-1000 (Telephone)
(212) 872-1002 (Facsimile)
24 pdublin@akingump.com
25 aqureshi@akingump.com
mlahaie@akingump.com

26 *Counsel for the Reorganized Debtors*

APPROVED BY:

FABIAN & CLENDENIN, P.C

By: /s/ David R. Hague
KEVIN N. ANDERSON
Nevada Bar No. 004512
DAVID R. HAGUE
Nevada Bar No. 012389
601 South Tenth Street, Suite 102
Las Vegas, Nevada 89101

Counsel for James M. Rhodes

27 ###
28